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**AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE
SUPPORT TO THE KYRGYZSTANI LEGAL DEFENSE COMMUNITY (AID-176-A-12-00001)
Annual Report: February 1, 2012 – September 30, 2012**



Defense attorneys participate in an Advocates Roundtable in Jalalabat in March 2012 to discuss the proposed new Law on Advokatura and its impact on their practice.

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I. EXECUTIVE SUMMARY

With funding from the U.S. Agency for International Development (USAID), the American Bar Association Rule of Law Initiative (ABA ROLI) initiated its three-year, \$1,599,100 program entitled **Support to the Kyrgyzstani Legal Defense Community** in February 2012. In order to increase access to an impartial justice system, build public confidence in the legal system and promote stability in Kyrgyzstan, ABA ROLI is instituting a three-pronged approach focused on enhancing the capacity, skills, and knowledge of not only practicing attorneys but also the next generation of Kyrgyzstani lawyers. The primary objectives of the program fall under two components: first, to support the development and growth of a unified bar association and enhance the qualifications of attorneys to serve the needs of the public; and, second, to equip the next generation of lawyers with the advocacy skills and knowledge to provide quality legal representation to citizens in need.

During Year One of program implementation, ABA ROLI achieved substantial progress in completing its program goals and objectives. While the uncertainty of the Law on Advokatura affected the start-up of some activities under Objective One, ABA ROLI nevertheless was able to lay the groundwork for future activities under each objective. During Year One, ABA ROLI advanced the national dialogue on the Law on Advokatura among legal professionals; generated a comprehensive strategic plan to build the institutional capacity of the Advocates Training Center (ATC) to enhance defense advocates' technical legal knowledge and practical skills; and partnered with six legal clinics to increase their capacity to provide law students with basic clinical knowledge to better serve their clients upon graduation. Additional program successes during Year One include:

- Three advocates' roundtables held for a total of 86 defense attorneys to discuss the Law on Advokatura from three regions;
- Thirteen one-day trainings conducted for 233 advocates from four different regions on practical advocacy and jury trial skills;
- A subgrant agreement between ABA ROLI and the ATC was finalized to support the long-term sustainability and institutional capacity of the ATC to provide quality CLE to defense attorneys;
- One three-day jury trial skills training held for defense advocates to prepare them for the anticipated introduction of jury trials;
- One jury trial training-of-trainers event held for prominent defense attorneys, lawyers, and law professors to gain hands-on knowledge of conducting arraignment on a jury trial and to improve their interactive teaching and training modeling skills;
- An Inter-University Working Group was established and conducted initial meetings, and three subgroups formed within this WG to develop separate practical skills courses;
- Needs assessment of universities nation-wide conducted to identify legal clinics' viability and capabilities and to select universities to support in enhancing clinical legal education and *pro bono* consultations;
- One two-day training-of-trainers event for six professors of legal clinics at Osh State University and the Jalalabat Institute of Business, Law and Computer Technologies held to introduce the professors to the theory and practice of clinical education;
- Partnerships with six universities confirmed to support four existing and two new legal clinics enhance their capacity and prepare them for eventual self-sustainability.

With the uncertainty surrounding the passage of the Law on Advokatura during Year One, ABA ROLI developed two scenarios (or alternatives) of implementation under Objective One pending the political will and viability of the passing of the draft Law on Advokatura, including performing activities that support the creation of an independent bar, as well as pursuing an alternate means to accomplish program goals should the law be delayed or rejected. Activities Four and Five under this objective will be implemented in coordination with either alternative.

The following annual report summarizes ABA ROLI's progress according to its Year One Work Plan for the period February 1, 2012 to September 30, 2012.

II. PROGRAM ACTIVITIES

Objective One: Supporting Development and Growth of a Unified Bar Association and Well-Qualified Attorneys Able to Service the Needs of the Public

During the first calendar year of the program, ABA ROLI contemplates the possibility of two alternatives for implementation under Objective One, pending the political will and viability of the passing of the draft Law on Advokatura. The alternatives include activities that support the creation of an independent bar (Alternative A), or pursuing an alternate means to accomplish program goals should the law be delayed or rejected (Alternative B). As of the end of September, the draft Law on Advokatura had not passed, but new developments resulting from a Presidential decree creating a Commission on Judiciary Reform bring renewed hope for legislative authorization to create a unified bar and may again affect plans for accomplishing Objective One. Based on conversations with USAID, ABA ROLI set the trigger date for the substitute scenario (Alternative B) for the end of the 2012 calendar year.

ALTERNATIVE (A)

Activity One: Support Passage of the Law on Advokatura and Inform Advocates about the Law

In order to support the passage of the Law on Advokatura, ABA ROLI is promoting legislative advocacy and holding advocate roundtables in which all advocates may share their voice in the legislative process. This series of roundtables aims to build upon the Law's current momentum and strengthen support for the passage of the Law, as well as increase awareness of the Law's benefits through a public outreach and advocacy campaign.

"Society is not static; it is in motion. Accordingly, the legal profession needs to be developed, and the scope of the current Law on Advokatura does not allow the profession to develop further."

Jyldyz Mambetalieva,
Deputy Minister of
Justice.

With the start of program implementation, ABA ROLI expected that, following the presidential election and formation of the new government, there would be renewed momentum for the Law's passage. However, the restructuring of Parliament in early 2012, including the replacement of Deputy Chair Galina Skripkina as head of the Parliamentary Committee on Constitutional Legislation, State Structure, Legitimacy, and Local Self-Governance – originally contemplated as our partner in coordinating this working group – and the stall of the Law on Advokatura during the summer of 2012 generated uncertainty surrounding the passage of the Law.

Though the Law stalled in parliament throughout Year One, President Atambayev established by decree the "Presidential Commission to Develop Coordinated Proposals to Further Reform of the Judiciary" (Commission) in early 2012 to evaluate judicial reform in Kyrgyzstan. The Commission published recommendations in April 2012 which called for the creation of a standard single professional bar association of lawyers, based on the European model, that incorporated the existing professional body of lawyers with a gradual process for the transfer of ownership to advocates. Advocates would then directly influence access to the profession, improve the qualification level of the current advocate community, enhance disciplinary measures, and increase access to information and technical support through the association. President Atambayev accepted the proposal by decree on August 8, 2012 ("Measures to Improve Justice in the Kyrgyz Republic"), which ABA ROLI anticipates will strengthen enthusiasm for moving the Law on Advokatura through the legislative process to meet this great need.

In light of these developments, ABA ROLI met with key members of the President's office and Parliament to determine the reasons the Law did not pass during the legislative session ending on June 30, 2012. In particular, ABA ROLI met with Erkinbek Alymbekov, chair of the Parliamentary committee responsible for the bill and a former member of the Commission, who had concerns about various provisions of the draft Law that prevented him from submitting it for a vote in parliament, despite the committee passing the bill in its second reading earlier in June. ABA ROLI is hopeful that following the reorganization of the government in the wake of the collapse of the ruling coalition in August and September, progress will be made toward achieving a unified bar in the foreseeable future.

During this time, ABA ROLI was in regular contact with the President's office to ensure knowledgeable representatives from the advocate community are appointed to the key working groups and commissions that are responsible for implementing the decree.

Parliamentary Working Group Roundtables

Because of the uncertainty surrounding the passage of the Law on Advokatura during Year One, ABA ROLI did not hold any parliamentary working group roundtables. ABA ROLI continues to monitor windows of opportunity and is prepared to hold a working group roundtable when and if a need is identified. The resignation and subsequent reorganization of the government in August and September 2012, in addition to the activities that will be generated by the aforementioned Presidential decree, will have a bearing on when a new Law on Advokatura will be passed and what its composition will be during the next session of parliament. ABA ROLI will remain flexible considering the potential consideration of the Law during the parliamentary session that began in late September.

Advocate Roundtables to Discuss the Draft Law

In parallel to its coordination with relevant government representatives on the Law, ABA ROLI held three roundtables for members of the legal community to increase awareness of the Law and to discuss the impact the Law would have on advocates. Each roundtable was coordinated with long-time local partners in the advocate community -- including the Association of Attorneys of Kyrgyzstan (AAK) and the Union of Advocates (UA) -- and held in a different region to ensure broad participation by advocates from around the country. The first roundtable was held in March in Osh for 38 participants, the second in Jalalabat in March for 35 participants and in Issyk-Kul in April for 26 participants. Advocates had the opportunity to ask questions and share their opinion on the Law, and discussions ranged from how the new Law might affect their day-to-day practice and what new requirements were contained in the Law, to the selection process for representatives in the first Congress and potential content of the statutory documents covering ethics and Continuing Legal Education. During each roundtable, there was overwhelming support by advocates for the passage of the Law and establishing a strong and functioning unified professional bar association.



Among others, younger and female advocates expressed strong interest in understanding the proposed new Law on Advokatura and offered their feedback at the Advocates Roundtable in Issyk-Kul in April.

Activity One Expected Deliverables – Alternative A:

- A series of three (3) roundtables held to increase advocate participation in the legislative process, and one (1) subsequent to the passage of the law

Completed. Three (3) roundtables were held in March 2012 in Osh and Jalalabat for a total of 63 advocates and representatives from the MOJ and one (1) roundtable was held in April in Issyk-Kul for 23 participants. A fourth roundtable will be scheduled should the law on Advokatura pass.

- Adoption of the Law on Advokatura.

On Hold. The Law is still under consideration in Parliament, though the Presidential decree has renewed momentum on the issue of legal professional and bar reform.

Activity Two: Provide Institutional Support to the National Bar

Specific activities under this portion of the program are dependent upon the passage of the Law, and for that reason, have not progressed on this during Year One. If the Law on Advokatura passes, ABA ROLI will support the Ministry of Justice to host the first Congress of Advocates, at which members will approve the governing bodies and founding documents, including rules of professional ethics for advocates. To ensure the bar has the capacity to carry out its responsibilities, ABA ROLI will support a strategic planning process and management and administration training for association leadership.

Activity Two Expected Deliverables–Alternative A:

- All Activities to be completed contingent on the passage of the Law on Advokatura.

ALTERNATIVE (B)

Activity Three: Instituting an Ethics Council to Regulate the Defense Bar

As the decision to proceed with Alternative A or B is tied to the political developments and the end of the 2012 calendar year, no progress has been made under this activity. Should the Law on Advokatura not be passed by Parliament by the end of the calendar year 2012, ABA ROLI will support the development of an Ethics Council for defense attorneys which will be charged with establishing and enforcing professional conduct standards among the legal defense community. This financial and technical support will be in lieu of the support budgeted for the bar, which is tasked with enforcing ethics standards under the Law on Advokatura. Should the Law on Advokatura be enacted during work on the Ethics Council later in the program period, ABA ROLI will begin transition its efforts back to Alternative A.

Activity Three Expected Deliverables–Alternative B:

- All activities to be completed contingent on the Law on Advokatura not passing by the end of the 2012 calendar year.

ALTERNATIVE (A) OR (B)

Activities Four and Five under Objective One will be implemented in coordination with either alternative.

Activity Four: ATC CLE Curriculum Development and Training

During Year One, ABA ROLI pursued activities that support the professional skills development of the legal community by finalizing a comprehensive, multi-year subgrant agreement with the Advocates Training Center (ATC). Through this partnership, ABA ROLI will provide financial and technical assistance to the ATC to develop topical technical and skills-based trainings on jury trials and other new legislation, and to raise the ATC's profile among Kyrgyz lawyers. Additionally, this agreement envisions the transformation of the ATC into a more independent and ultimately self-sustaining training organization. Meetings with representatives of law firms confirmed that Kyrgyz lawyers are willing to pay for first-rate training in commercial law topics and other selected civil law areas. ABA ROLI will work closely with ATC leadership to position the organization as an independent body offering for-pay, high-quality trainings on both criminal and civil law topics.

Financial Support to the ATC

ABA ROLI, in response to USAID requests, significantly revised the terms and activities of its originally planned sub-award with the ATC in order to build its institutional capacity and increase its independence. The goal of the subgrant agreement is to create a sustainable and self-driven center for CLE and cooperation within the advocate community. This partnership was finalized in August 2012, and among the proposed strategies to help the ATC develop a sustainable organization are the following provisions:

- Providing funding for trainings and staff salaries in addition to office expenses;
- Preparing the ATC staff to administer training programs;
- Assisting the ATC staff in updating and advancing its Strategic Plan;
- Assisting the ATC staff in developing skills to run an independent organization, including:
 - Financial management
 - Internal systems and controls
 - Personnel management
- Identifying and developing new trainers to provide high-quality trainings;
 - Expanding the range of training topics into commercial and civil law
- Developing and implementing a marketing plan to promote the ATC's activities among legal professionals;
- Helping the ATC to create fee-generating opportunities for long-term sustainability.

At the university we studied the theory, in practice we learned how to apply theoretical knowledge, and ATC gives us the opportunity to study not only local but also international experience. This is a real opportunity for lawyers to improve their skills, share experiences.... We want to work for justice, and we want more and more people to work for it too.

Nazira Abyshkaeva, Advocate and ATC Trainer.

Throughout the remainder of Year One, ABA ROLI and the ATC coordinated on future training schedules, potential curricula, and the recruitment of trainers in anticipation of Year Two activities.



Attendees at ATC's "Developing a position in a criminal case" training in Bishkek were asked to make individual presentations in April 2012.

Jury Trials Skills Training for Defense Attorneys

Criminal jury trials are slated to be introduced into the court system in Bishkek and Osh in 2015. Because jury trials are new to the Kyrgyz legal system, few advocates have been trained in the skills required to conduct a jury trial. While the ATC has conducted legal skills trainings in the past, these trainings have focused on legal skills such as oral and written communication and client counseling. Thus, there is a need to train advocates on the very specific skill of conducting a criminal jury trial. ABA ROLI has experience successfully conducting such trainings in Russia, Georgia and Azerbaijan.

During Year One, ABA ROLI and the ATC conducted a three-day, interactive training in Bishkek in September that enhanced defense attorneys' practical skills in areas such as direct and cross-examination of a witness and opening and closing arguments. In addition, ABA ROLI and the ATC conducted a one-day TOT on jury trial skills using the model of a mock trial. During the trial, two juries were empanelled and came back with different verdicts. Though jury trials will not begin in Kyrgyzstan until 2015, there is much work to be done to prepare advocates for the new system. The ATC is planning additional training for Bishkek and Osh advocates in the coming months.

Expanded Trainings on New Legislation and Other Topical Issues

During Year One, ABA ROLI and the ATC offered a total of eleven (11) trainings on practical advocacy and trial skills for defense attorneys in four regions across the country. There is a high demand from advocates for trainings on new legislation and emerging topics, and the ATC routinely surveys participants requesting suggestions to ensure future topics are responsive to the advocates. In October 2012, the staff and advisory board of the ATC will go through a strategic planning process in order to update its existing strategic plan. The ATC will focus on numerous issues during this revision process, including developing a curriculum for the next year and promotional efforts to advance the ATC's reputation and awareness among lawyers.

The problem of training is very important to us, especially now when the whole world is talking about conflicts, terrorism, human rights, human trafficking and Internet literacy.

Aysalkyn Karabaeva,
Advocate and ATC trainer

Activity Four Expected Results:

- Financial Support Provided to ATC
***In Progress.** ABA ROLI and ATC have entered into a multi-year subgrant with funds to significantly improve the organizational capacity of ATC, develop the training curricula of the organization, and move towards sustainability.*
- Twelve (12) topical trainings conducted (four regions, three one-day trainings each)
***Completed.** Thirteen (13) trainings on topical legal issues, including jury trials, were conducted for a total of 233 defense attorneys from March through September 2012.*

Activity Five: Improving the Qualification Examination process

During Year One, ABA ROLI began assessing the feasibility of collaborating with the MOJ or the newly formed bar to revise the questions on the qualification exam. Currently, the advocate licensing process in Kyrgyzstan is administered through a qualification exam by the MOJ. Applicants have the perception that the grading process is not always transparent or accurate, and each year numerous applicants challenge the result of their examination. To increase transparency in the bar exam process and improve public confidence in those who pass, ABA ROLI will assist the MOJ or the newly formed bar (whichever is responsible for the qualification exam at the time of this activity) in conducting the first computerized qualification examination by the fall of 2013.

Beginning in the fall of 2012, once the Law on Advokatura has been reconsidered in Parliament, ABA ROLI will support the MOJ or the newly formed bar to begin the process of revising the qualification exam.

Activity Five Expected Results:

- Software for computerized exam is configured and adopted
Activity Five will begin in October 2012.
- Exam Questions are developed
Activity Five will begin in October 2012.

Objective Two: Equipping the Next Generation of Lawyers with the Practical Legal Skills and Knowledge to Provide Quality Legal Representation to Citizens in Need

Law schools in Kyrgyzstan have taken initial steps toward broad-based reform, but serious challenges remain. Legal education is highly theoretical and students in many law schools do not receive sufficient practical skills experience, as the number of students that can take part in clinical legal education or mock trials is limited. Further, many law school instructors are recent graduates themselves and possess no experience as practicing lawyers.

ABA ROLI has a three-pronged approach to achieve Objective Two:

1. Establish an Inter-University Working Group to develop three practical skills courses that will be introduced into the curricula of six universities that have legal clinics;
2. Support national client-counseling competitions that will help develop practical skills training for students of legal clinics and will encourage increased participation among law students;
3. Expand and support clinical legal education in Kyrgyzstan.

Activity One: Inter-University Working Group on Practical Skills Curriculum Development

Working Group Meetings

During Year One, ABA ROLI established an Inter-University Working Group with representatives from six universities: Kyrgyz State Law Academy, Kyrgyz Russian Slavonic University, Law Institute of Kyrgyz National University, International University of Kyrgyzstan, Osh State Law Institute and Jalalabat Institute of Business, Law and Computer Technologies. The Working Group met frequently and is focusing on developing three new practical skills courses. While the skills taught can be acquired through the existing clinics, only a very limited number of students can take part, as the universities generally limit clinic participation to 30-45 students a year. Therefore, it would benefit all students to integrate these practical skills into the classroom curriculum as well. There will be synergy between the course curriculum activities and legal clinical educational activities, as the materials developed by the Working Group will be used in the legal clinics and introduced into standard academic courses. While students who take part in a clinic will be able to use the skills they learned in class in a live setting, those who are unable to participate in a clinic will also have the opportunity to learn the key concepts and practices.



The Inter-University Working Group is charged with developing three new practical skills courses for integration in law faculty curricula.

Development of Course Materials

In May 2012, the Inter-University Working Group formed three sub-groups to develop working curricula, teaching methodology, and course materials for three course topic areas, which include: "The tactics of interviewing and counseling in the professional lawyer," "The tactics of participation of the parties in court" and "The tactics of a lawyer in the pre-trial stage of criminal proceedings." During the reporting period the sub-groups completed more than 50% of the work needed to finish the courses and they are on schedule to complete their work by the end of calendar year 2012.

The next challenge will be to coordinate the integration of the new courses into their curricula for the upcoming academic year, which are usually decided and approved in April and May.

The members of each of the sub-groups are well-respected law professors, most of whom have experience in law practice. ABA ROLI has a high level of confidence in the prospects for success in gaining university acceptance of the new courses. Please refer to Annex A for a full list of the sub-group members and topics.

Activity One Expected Deliverables:

- Approval from universities in April/May for new courses to be part of their curricula to support the institutionalization of these practical and interactive courses during the following academic year

In Progress. The Working Group is preparing new course curricula and materials that will be presented to universities during Year Two.

- Three (3) practical skills courses developed and ready for presentation to universities in April/May 2013 for approval into their curricula

In Progress. The Working Group formed three sub-groups to each develop curricula, teaching methodology, and course materials for a new course.

Activity Two: Support of Practical Skills through Client Counseling Competitions



The sub-groups of the Inter-University Working Group meet to develop new practical skills courses.

National Client-Counseling Competitions

ABA ROLI will be modeling current programming off previous successes and lessons learned by supporting a series of Brown-style client-counseling competitions in Kyrgyzstan to equip law students with practical skills and hands on training that is not available in the classroom. ABA ROLI will support the first of two national competitions in 2013 and will work with law school administrators and representatives of the Working Group to transfer the responsibility of organizing and supporting these competitions to different universities throughout the country, on a rotating basis, to ensure their continuation in future years.

No activities were pursued as part of this activity during Year One but preparations for the first Client Counseling Competition in early 2013 will begin early in Year Two.

Activity Two Expected Deliverables:

- National Client Counseling Competition is Completed

In Progress. Activity to begin in October 2012.

Activity Three: Support and Expansion of Clinical Legal Education

Legal clinics are vital to both the students they train and the population they serve. Legal clinics enable law students to provide important *pro bono* legal aid to marginalized and vulnerable groups and at the same time provide students a chance to improve upon the practical legal skills they gain through the new courses introduced into the curriculum, as described above in Activity Two.

During Year One, ABA ROLI thoroughly investigated law faculty legal clinics throughout Kyrgyzstan, conducting interviews with deans, rectors and staff at each of the clinics to determine their viability, future prospects and need for outside assistance. Four clinics were identified as being viable candidates for financial and technical support from ABA ROLI: Kyrgyz Russian Slavic University, Juridical Institute of the Kyrgyz National University, Kyrgyz State Law Academy, and the International University of Kyrgyzstan. Two additional universities without existing legal clinics were recognized as being candidates for start-up support: Osh State University Law faculty, and the Jalalabat Institute of Business, Law and Computer Technologies.

Training Of Trainers (TOT) for Clinic Professors

During the year, ABA ROLI developed and conducted a TOT for professors in the Osh and Jalalabat clinics in August, 2012 to prepare the professors for the introduction of the clinics into the law faculty. Three law faculty members each from Osh State University and the Jalalabat Institute of Business, Law and Computer Technologies attended the two-day training, which featured a discussion of the features and advantages of clinical education and also theoretical and practical

knowledge of the functioning of the clinics. Experienced members of the legal clinic of the Juridical Institute of the Kyrgyz National University served as presenters.

ABA ROLI will conduct a TOT for legal clinic professors in Bishkek prior to the beginning of the 2013 academic year in Year Two of the program.

Financial Support to Legal Clinics

Following the needs assessment of legal clinics in the country, ABA ROLI negotiated with the six universities on the parameters of what the partnership would look like. The four existing clinics (Kyrgyz Russian Slavic University, Juridical Institute of the Kyrgyz National University, Kyrgyz State Law Academy, and the International University of Kyrgyzstan) have been running for several years and their needs are primarily for financial support to maintain operations. In Years Two and Three ABA ROLI will also provide technical support to those clinics. The two new clinics (Osh State University Law faculty, and the Jalalabat Institute of Business, Law and Computer Technologies) need additional funding for basic start-up functions in addition to technical support, which ABA ROLI will support in the form of TOT training. As with the ATC subgrant agreement, the agreements with the legal clinics will be multi-year and will incorporate the same philosophy; that is to help the clinics become self-sustaining over time.

In advance of finalizing these partnerships, ABA ROLI invited the deans of the law faculties of Osh State University and Jalalabat Institute of Business, Law and Computer Technologies, Kuldhysheva G. K. and Majitov B., to an orientation meeting with the legal clinic staffs of Kyrgyz Russian Slavic University (KRSU) and Juridical Institute of the Kyrgyz National University in September 2012. The deans were introduced to the concept and practical execution of clinical education. Following the orientation, they toured the legal clinic facility at KRSU in Bishkek and have since become enthusiastic supporters of legal clinical education. Their support will be invaluable in advocating for the integration of clinical education into their universities' curricula. The deans are members of the aforementioned Inter-University Working Group, and their introduction to the merits of legal clinics will inform their work to develop the new practical skills courses.

On-going Support and Expansion of Legal Clinics

Beginning in Year Two, in order to raise the basic capacity of each legal clinic, ABA ROLI plans to coordinate networking activities among the leadership of the legal clinics, and provide intensive trainings to the staffs of new legal clinics at universities in southern Kyrgyzstan. These trainings will help the faculty and staff to establish the structure of the legal clinics, the nature of their relationship with the university and operating policies and practices. ABA ROLI has found that this form of technical assistance is effective in ensuring the sustainability of university-based legal clinics, as the primary challenges to legal clinics are typically securing and paying for facilities. As the program progresses throughout Year Two, ABA ROLI will consider specific supplemental sustainability measures such as intensive experience exchange training and ongoing mentoring in order to improve their internal operations and long-term sustainability as well as their ability to work strategically and collaboratively.

Activity Three Expected Deliverables:

- Two (2) Training-of-Trainer sessions for clinic professors are conducted
***In Progress.** The first TOT session took place in August 2012. The second is planned for just prior to the 2013 academic year.*
- Financial support to legal clinics is provided
***In Progress.** Subgrant Agreements were drafted within the period and a signing event is planned for mid October.*

Annex A – Inter-University Working Group subgroups and members

Course 1. Tactics of consulting and interviewing in professional activities of lawyers»

1. Djalgasynova G. D.– Leader of the subgroup;
2. Kim O. D.
3. Kuldysheva G.K.
4. Kalybaeva A.A.

Course 2. Tactics of parties in trial process

1. Smanaliev K.M. – Leader of the subgroup
2. Dmitrienko I.A.
3. Majitov B.
4. Saiakbaev T.A.

Course 3. Tactics of advocates in pretrial stage of the legal proceedings

1. Kuflei O. V. – Leader of the subgroup
2. Kulbaev A.K.
3. Mamyrganova T.S.

Annex B: Performance Monitoring and Evaluation Plan Updated with Year One Results

Program Goal: Improving Access to an Impartial Justice System in Kyrgyzstan through Bar and Legal Education Reform¹

| Indicators | Definition and Unit of Measurement | Baseline | Targets | Source / Freq. of Reporting | ABA ROLI Year One Results |
|--|--|--|--|---|---|
| Objective One: Support Development and Growth of a Unified Bar Association and Well-Qualified Attorneys Able to Serve the Needs of the Public | | | | | |
| Number of legal institutions or associations supported by USG | Includes both governmental and non-governmental institutions and associations that focus on administering and improving the legal system. # of institutions | N/A | Year 1- Five (5) institutions; Ministry of Justice; Parliamentary Committee on Constitutional Legislation, State Structure, Legitimacy, and Local Self-Governance; Union of Advocates; Association “Attorneys of Kyrgyzstan”; Advocates Training Center; Year 2 – Three (3) institutions; Ministry of Justice; National Bar; Advocates Training Center Year 3- Three (3) institutions; Ministry of Justice; National Bar; Advocates Training Center | Source: Programmatic Reports Frequency: Annually | All five institutions contacted multiple times regarding passage of Law on Advokatura. Law not passed as of September 30, 2012. |
| Number of sector assessments | # of assessments ABA’s Legal Profession Reform Index provides an empirical basis for | Last LPRI conducted in 2004 prior to ATC establishment | Year 3- One (1) assessment; Legal Profession Reform Index published and distributed among justice sector | Source: LPRI report | Scheduled to be completed in Year Three. |

¹ Note: Years included in the PMEP are by calendar year as identified in the original proposal and have not yet been conformed to the USG fiscal year that ABA ROLI’s programmatic years now follow.

Annex B: Performance Monitoring and Evaluation Plan Updated with Year One Results

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|---|---|---|--|--|--|
| | examining the independence of legal professionals | and changes to Law on Advocates. | stakeholders and the donor community. | | |
| Result 1: Establishment and development of a National Bar Association, or the adoption of an alternate legal framework, that can regulate the profession based on international best practices, including enforcement of ethics and disciplinary standards | | | | | |
| Number of USG-supported public sessions held regarding proposed changes to legal framework | # of roundtables for advocates and MPs to promote the concept of a unified bar | Three roundtables held in 2010-2011 (two conducted by ABA ROLI and one by SOROS-foundation. | Year 1- Five (5) roundtables | Source: program records Frequency: Quarterly | Two roundtables were held in March 2012 in Osh and Jalalabat for a total of 63 advocates and representatives from the MOJ, and one roundtable was held in April in Issyk-Kul for 23 participants. A fourth roundtable will be scheduled should the law on Advokatura pass. |
| Structure, by-laws, charter and mission of the national bar adopted by Congress of Advocates | At the inaugural meeting of the Congress of Advocates, founding documents for national bar are approved by a majority of advocates and adopted. | N/A | Year 1- Documents revised/finalized by bar reform working group; Documents adopted by Congress of Advocates | Source: WG meeting notes; action plan Frequency: Quarterly | Contingent on whether Law on Advokatura passes. |
| Representatives elected to governing bodies of national bar; Council of Advocates; Qualification Commission; Audit Commission; | All leadership positions and committees established according to the Law on Advokatura | N/A | Year 1- Elections take place at first inaugural congress of national bar | Source: Congress meeting report; program records Frequency: Quarterly | Contingent on whether Law on Advokatura passes. |

Annex B: Performance Monitoring and Evaluation Plan Updated with Year One Results

| | | | | | |
|--|--|---|--|--|---|
| Disciplinary Commission | | | | | |
| Progress in establishing governing mechanisms for national bar | Hiring of administrative staff to coordinate bar activities | N/A | Year 2- At least one program coordinator and finance manager hired after the inaugural congress Year 3- TBD-dependent upon strategic plan | Source: bar and program records Frequency: Quarterly | Scheduled to be completed in Years Two and Three. |
| | Development of long-term strategic plan that sets forth measures for financial sustainability; creation of branch offices; CLE integration; creation of specialized committees (i.e. legislative reform) | | Year 1- One (1) initial strategic planning session for entire bar leadership Year 2- Three (3) strategic planning sessions; Final draft submitted to Council of Advocates Year 2/ 3- Strategic plan approved; six (6) meetings/trainings for bar leaders/committee members and staff to implement strategic plan components | Source: strategic planning documents; meeting records; program records Frequency: Quarterly | Contingent on whether Law on Advokatura passes. |
| Adoption of new ethics code for advocates | Ethics Code for defense attorneys in compliance with international standards adopted by the Congress of Advocates | Existing code does not comply with international standards and best practices | Year 1- Draft ethics revised; Ethics code adopted. | Source: bar reform working group records; Congress of Advocates records; 2011 LPRI report | Contingent on whether Law on Advokatura passes. |
| Development of transparent disciplinary procedures | New procedures clearly define penalties for ethical | Existing procedures do not comply | Year 1- Draft disciplinary procedures revised and adopted | Source: 2011 LPRI report Frequency: Quarterly | Contingent on whether Law on Advokatura passes. |

Annex B: Performance Monitoring and Evaluation Plan Updated with Year One Results

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| | misconduct; new procedures clearly define roles, responsibilities and decision-making processes between the bar and MOJ | with international standards and best practices | Year 2- Transition provisions agreed to between bar leadership and MOJ | | |
| Result 2: Development of qualification exam and licensing procedures for the defense bar that are fair and transparent | | | | | |
| Number of merit based criteria or procedures for justice sector personnel selection adopted with USG assistance | New computerized qualification exam for advocates approved and adopted by MOJ | Current exam and procedure are not consistent with international standards and best practices | Year 2- Computer generated questions and scoring introduced | Frequency: Quarterly | Scheduled to be completed in Year Two. |
| Number of qualification exam questions revised to reflect requisite knowledge for criminal defense practice | # of new bar exam questions approved by MOJ | Baseline information will be obtained 30 days after the start of the award period | Year 2- At least 50 new questions introduced | Frequency: Quarterly | Scheduled to be completed in Year Two. |
| % decrease in the # of challenges to qualification exam results | % decrease indicates exam review and subsequent results are conducted in a transparent manner | MOJ does not maintain official records | Year 2- 25% decrease Year 3- 25% decrease | Source: informal surveys of bar candidates and advocate associations Frequency: Quarterly | Scheduled to be completed in Years Two and Three, |
| Result 3: Expansion and Institutionalization of CLE opportunities for defense lawyers to stay current on changes in the legal system and improve their professional qualifications | | | | | |
| Number of new legal courses or curricula developed with USG | # of new training programs developed under the Advocates | Core curricula on general professional | Year 1- At least two (2) new courses including one new course on jury trial | Source: ATC records; program records Frequency: Quarterly | Two new courses in jury trial skills (one TOT) developed and presented. Two new civil |

Annex B: Performance Monitoring and Evaluation Plan Updated with Year One Results

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| assistance | Training Center | skills in place: specialized curricula on select legal topics offered based on demand. | skills Year 2- At least two (2) new courses including one new course on legal ethics Year 3- At least two (2) new courses | | courses introduced: Declaration of an Invalid Transaction; Specific Procedural Nature of Some Categories of Civil Cases. |
| Number of advocates benefiting from improved teaching facilities and curricula | # of advocates receiving training (disaggregated by gender, course topic, region) | 2008-2011-483 advocates trained by ATC | Year 1- 280 advocates trained 1. Two (2) Jury Trial Trainings 2. 12 topical CLE trainings Year 2- 240 advocates trained 1. 12 topical CLE trainings Year 3- 390 advocates trained 1. 12 topical CLE trainings | Source: ATC records; program records Frequency: Quarterly | A total of 233 advocates, including 104 women, received training during the first eight months of the program. Trainings were held in Bishkek, Osh, Batken, Jalalabat, and Issyk-Kul. Topics included jury trials, trial advocacy skills, and preparing for a criminal trial. |
| Objective Two: Equipping the Next Generation of Lawyers with the Advocacy Skills and Knowledge to Provide Quality Legal Representation to Citizens in Need | | | | | |
| Result 4 : Introduction of practical legal skills course curriculum into national or university standards, and the harmonization of these skills courses across the leading universities | | | | | |
| Result 5: Strengthening and creation of legal clinics at select law faculties | | | | | |
| Number of new legal courses or curricula developed with USG assistance | # of new practical skills courses developed for law students # of new courses incorporated into university curricula | Legal ethics course introduced in 2006 | Year 1- Three (3) courses (legal writing, pre-trial/trial skills, client interviewing and counseling) developed by inter-university working group Year 2- All three (3) | Source: program records; course materials; university records Frequency: Quarterly | Inter-University Working Group developed three practical skills courses for introduction into legal clinics and into six university law faculty curricula. Courses: 1. Tactics of consulting and interviewing in |

Annex B: Performance Monitoring and Evaluation Plan Updated with Year One Results

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| | # of new courses incorporated into national standards | | courses incorporated into at least half of partner law faculty's curriculum; two (2) new legal clinics programs established. Year 3- At least one (1) course included in national standards for legal education | | professional activities of lawyers; 2. Tactics of parties in trial process; 3. Tactics of advocates in pretrial stage of the legal proceedings. |
| Number of professors trained in interactive teaching methodology/practical legal skills | # of university professors participating in TOT programs | Baseline information will be obtained 30 days after the start of the award period | Year 2- At least 12 professors (including legal clinic directors) representing six (6) universities including Osh and Jalalabat Universities; Years 2/3- Professors receive ongoing mentoring and support from ABA Short-term legal education specialists. | Source: program records; short legal specialists' monitoring reports Frequency: Quarterly | Scheduled to be completed in Years Two and Three. |
| Number of law students benefiting from improved teaching facilities and curriculum | # of law students enrolled in practical skills courses and participating in moot court competitions | Baseline information will be obtained 30 days after the start of the award period | Year 1- 100 students enrolled in university-based legal clinics Year 2- 360 students enrolled in practical skills courses; 50 students participating in moot court competitions; 150 students enrolled in university-based legal clinics Year 3- 420 students enrolled in practical skills courses; 100 students | Source: program records, university records Frequency: Quarterly | One hundred fifty students enrolled in four legal clinics; 60-70 more students will be enrolled in two new legal clinics when they are in full operation. |

Annex B: Performance Monitoring and Evaluation Plan Updated with Year One Results

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| | | | participating in moot court competitions; 180 students enrolled in university-based legal clinics. | | |
| Number of legal aid groups and law clinics assisted by USG | # of university-based legal clinics receiving institutional and financial support | KRSU, KNU, OSU, and KSLA legal clinics receive limited financial support from university administration; no clinics exist at Jalalabat or Osh Law Institute | Years 1- Four (4) legal clinics Years 2 and 3- Six (6) legal clinics | Source: program records Frequency: Quarterly | ABA ROLI began working with six legal clinics: four existing and two new. Subgrant agreements expected to be signed shortly after reporting period ends. |

Annex C: Indicator Chart of Year One Deliverables

| Activity | Indicator: | 1 st Quarter Results | 2 nd Quarter Results | 3 rd Quarter Results | 4th Quarter Results |
|--|--|---------------------------------------|--|---|---|
| Support Passage of the Law on Advokatura | Four (4) roundtables increasing advocate participation in legislative process | N/A | | Three roundtables held for 86 participants | |
| | Adoption of Law on Advokatura | N/A | Continued activities to support adoption of the law | Continued activities to support adoption of the law | Continued activities to support adoption of the law |
| Provide Institutional Support to the National Bar | | N/A | Dependent on the adoption of Law on Advokatura | Dependent on the adoption of Law on Advokatura | Dependent on the adoption of Law on Advokatura |
| Instituting an Ethics Council to Regulate the Defense Bar | | N/A | Dependent on the rejection of Law on Advokatura | Dependent on the rejection of Law on Advokatura | Dependent on the rejection of Law on Advokatura |
| ATC CLE Curriculum Development and Training | Financial Support to the ATC | N/A | | | ABA ROLI fully executed a subgrant agreement with ATC; financial support began |

Support to the Kyrgyzstani Legal Defense Community (AID-176-A-12-00001)

ABA Rule of Law Initiative

Year One Annual Report, February 1, 2012 – September 30, 2012

Annex C: Indicator Chart of Year One Deliverables

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| | | | | | August 3. |
| | Two multi-day trainings on jury trials | N/A | | One day-long training held | One three-day training held |
| | 12 topical trainings | N/A | | Seven trainings held | Five trainings held |
| Improving the Qualification Examination Process | Exam Questions Developed | N/A | | | Scheduled for Year Three |
| | Software for computerized exam is configured and adopted | N/A | | | Scheduled for Years Two and Three |
| Inter-university working group on practical skills curriculum development | Three practical skills courses developed and ready for presentation to universities by Spring 2013 | N/A | First meeting of the working group held in March 2012; | Three subgroups formed to develop courses. | Work more than 50 percent completed on developing courses during reporting period. |
| Support of practical skills through Client Competitions | National Client Counseling Competition to be completed | N/A | | | Scheduled for Year Two |
| Support and expansion of Clinical Legal | 1 TOT training for clinic professors | N/A | | | 1 TOT held for legal clinic professors |

Annex C: Indicator Chart of Year One Deliverables

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| Education | | | | | |
| | Financial support to legal clinics | N/A | | | Six legal clinics to receive financial and technical support beginning October 2012 |